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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

Case No. 2011-851

In the Matter of the Accusation Against:

**TAMMIE MC INNES,
aka TAMMIE DILLORD,
aka TAMMIE EARLAINE BREEDLOVE**

DEFAULT DECISION AND ORDER

604 Chilcott Court
Roseville, CA 95747

[Gov. Code, §11520]

Registered Nurse License No. 613323

Respondent.

FINDINGS OF FACT

1. On or about April 14, 2011, Complainant Louise R. Bailey, M.Ed., RN, ("Complaint") in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs, filed Accusation No. 2011-851 against Tammie McInnes, aka Tammie Dillord, aka Tammie Earlane Breedlove ("Respondent") before the Board. (A true and correct copy of Accusation No. 2011-851 is attached hereto, marked Exhibit A, and incorporated herein by this reference.)

2. On or about February 6, 2003, the Board issued Registered Nurse License No. 613323 to Respondent. The Registered Nurse License expired on May 31, 2010, and has not been renewed.

3. On or about April 14, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-851 and Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
2 11507.7) ("Related Documents") at Respondent's address of record which, pursuant to California
3 Code of Regulations, title 16, section 1409.1, is required to be reported and maintained with the
4 Board. Respondent's address of record with the Board was and is: 604 Chilcott Court, Roseville,
5 CA, 95747.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
8 124.

9 5. The Accusation and Related Documents were not returned by the U.S. Postal Service.

10 6. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
15 may nevertheless grant a hearing.

16 7. Respondent failed to file a Notice of Defense within fifteen (15) days after service
17 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
18 Accusation No. 2011-851.

19 8. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
23 respondent.

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
27 as well as taking official notice of all the investigatory reports, exhibits and statements contained
28 therein on file at the Board's offices regarding the allegations contained in Accusation No. 2011-
851, finds that the charges and allegations in Accusation No. 2011-851, are separately and
severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$8,108.25 as of May 12, 2011.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Tammie McInnes, aka Tammie Dillord, aka Tammie Earlane Breedlove, ("Respondent") has subjected her Registered Nurse License No. 613323 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing ("Board") is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Violation of Business and Professions Code ("Code") section 2761, subdivision (f), in that Respondent was convicted of crimes which are substantially related to the qualifications, functions, and duties of a registered nurse, as follows:

(1) Respondent was convicted of violating Vehicle Code sections 23103/23103.5 [reckless driving – alcohol related] on or about August 7, 2006, in the criminal proceeding titled *People v. Tammie Earlane McInnes* (Super. Ct. Placer County, 2006, Case No. 62-61786), a misdemeanor. Respondent's blood alcohol content ("BAC") measured 083% / .082%;

(2) Respondent was convicted on her plea of nolo contendere to . violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol and/or drugs], and admitted that she had a prior alcohol-related conviction within the last ten years, on or about August 30, 2010, in the criminal proceeding titled *People v. Tammie E. McInnes* (Super. Ct. Placer County, 2010, Case No. 62-095179), a misdemeanor. Respondent's BAC was .06% plus medications; and

(3) Respondent was convicted on her plea of nolo contendere to violating Vehicle Code section 14601.5 [driving when driving privilege suspended, revoked, or restricted],

1 on or about August 30, 2010, in the criminal proceeding titled *People v. Tammie E. McInnes*
2 (Super. Ct. Placer County, 2010, Case No. 62-96527), a misdemeanor.

3 b. Respondent violated Code section 2761, subdivision (a), as defined by Code
4 section 2762, subdivision (b), in that on or about June 17, 2006, and September 26, 2009,
5 Respondent used alcoholic beverages and/or controlled substances to an extent or in a manner
6 dangerous or injurious to herself and the public.

7 c. Respondent violated Code section 2761, subdivision (a) as defined by Code
8 section 2762, subdivision (c), in that on or about August 7, 2006, and August 30, 2010,
9 Respondent was convicted of criminal offenses involving the consumption of alcoholic beverages
10 and/or controlled substances.

11 d. Respondent violated Code section 2761, subdivision (a), as defined by Code
12 section 2762, subdivision (a), in that Respondent did the following:

13 (1) Respondent violated Health and Safety Code section 11173, subdivision
14 (a), in that on or about June 23, 2009, while employed as a registered nurse for Mercy Hospice
15 located in Rancho Cordova, California, Respondent obtained the controlled substance Oxycodone
16 by fraud, deceit, misrepresentation, or subterfuge;

17 (2) Respondent violated Code section 4060 in that on or about June 23, 2009,
18 Respondent possessed sixty (60) tablets of Oxycodone and thirty (30) tablets of Oxycontin
19 without valid prescriptions from a physician, dentist, podiatrist, optometrist, veterinarian, or
20 naturopathic doctor; and

21 (3) Respondent violated Code section 4342, subdivision (a), in that on or
22 about June 23, 2009, Respondent prescribed sixty (60) tablets of Oxycodone and thirty (30)
23 tablets of Oxycontin for a hospice patient without the knowledge or consent of the patient's
24 physician.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 613323, heretofore issued to Respondent Tammie McInnes, aka Tammie Dillord, aka Tammie Earlane Breedlove, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 5, 2011.

It is so ORDERED July 7, 2011.


FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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Attachment:

Exhibit A: Accusation

RECEIVED
JAN 11 2012
FBI
Exhibit A

Accusation No. 2011-851

RECEIVED
JAN 11 2012
FBI

1. KAMALA D. HARRIS
Attorney General of California
2. ARTHUR D. TAGGART
Supervising Deputy Attorney General
3. LESLIE A. BURGERMYER
Deputy Attorney General
4. State Bar No. 117576
1300 I Street, Suite 125
5. P.O. Box 944255
Sacramento, CA 94244-2550
6. Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7. Attorneys for Complainant

8. **BEFORE THE**
9. **BOARD OF REGISTERED NURSING**
10. **DEPARTMENT OF CONSUMER AFFAIRS**
11. **STATE OF CALIFORNIA**

12. In the Matter of the Accusation Against:

Case No. 2011-851

13. **TAMMIE MC INNES,**
aka TAMMIE DILLORD,
aka TAMMIE EARLAINE BREEDLOVE

A C C U S A T I O N

14. 604 Chilcott Court
Roseville, CA 95747

15. Registered Nurse License No. 613323

16. Respondent.

17. Complainant alleges:

18. **PARTIES**

19. 1. Louise R. Bailey, MEd, RN ("Complainant") brings this Accusation solely in her
20. official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21. Department of Consumer Affairs.

22. 2. On or about February 6, 2003, the Board issued Registered Nurse License Number
23. 613323 to Tammie McInnes, also known as Tammie Dillord and Tammie Earlane Breedlove,
24. ("Respondent"). Respondent's registered nurse license expired on May 31, 2010.

25. **STATUTORY PROVISIONS**

26. 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27. the Board may discipline any licensee, including a licensee holding a temporary or an inactive
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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11
12 (f) Conviction of a felony or of any offense substantially related to the
13 qualifications, functions, and duties of a registered nurse, in which event the record of
14 the conviction shall be conclusive evidence thereof . . .

15 6. Code section 2762 states, in pertinent part:

16 In addition to other acts constituting unprofessional conduct within the
17 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
18 person licensed under this chapter to do any of the following:

19 (a) Obtain or possess in violation of law, or prescribe, or except as
20 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
21 himself or herself, or furnish or administer to another, any controlled substance as
22 defined in Division 10 (commencing with Section 11000) of the Health and Safety
23 Code or any dangerous drug or dangerous device as defined in Section 4022.

24 (b) Use any controlled substance as defined in Division 10 (commencing
25 with Section 11000) of the Health and Safety Code, or any dangerous drug or
26 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
27 in a manner dangerous or injurious to himself or herself, any other person, or the
28 public or to the extent that such use impairs his or her ability to conduct with safety to
the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription,
consumption, or self administration of any of the substances described in subdivisions
(a) and (b) of this section, or the possession of, or falsification of a record pertaining
to, the substances described in subdivision (a) of this section, in which event the
record of the conviction is conclusive evidence thereof . . .

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7. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

8. Code section 2770.11 states:

(a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by a committee. Any failure to comply with the provisions of a rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program.

(b) If a committee determines that a registered nurse, who is denied admission into the program or terminated from the program, presents a threat to the public or his or her own health and safety, the committee shall report the name and license number, along with a copy of all diversion records for that registered nurse, to the board's enforcement program. The board may use any of the records it receives under this subdivision in any disciplinary proceeding.

9. Code section 4060 states, in pertinent part:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052 . . .

10. Code section 4324 states, in pertinent part:

(a) Every person who signs the name of another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year.

11. Health and Safety Code section 11173, subdivision (a), states, in pertinent part, that

"[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to

procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge . . ."

COST RECOVERY

12. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES

13. "Adderall," an amphetamine indicated for the treatment of Attention Deficit Hyperactivity Disorder and narcolepsy, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(1).

14. "Ambien," a brand of zolpidem tartrate, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(32).

15. "Oxycontin" is a trade name for controlled release oxycodone. Oxycodone is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(N).

16. "Valium," a brand of diazepam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(9).

RESPONDENT'S TERMINATION FROM BOARD'S

DIVERSION PROGRAM AS A PUBLIC SAFETY RISK

17. In or about December 2009, Respondent was enrolled in the Board's Diversion Program. On or about August 5, 2010, the Diversion Evaluation Committee ("DEC") terminated Respondent from the Diversion Program as a public safety risk due to the DEC's inability to ascertain Respondent's sobriety and Respondent's failure to comply with provisions of the rehabilitation plan in that Respondent had missed calls for drug testing and had questionable testing patterns. Respondent failed to cooperate with the DEC in violation of Code section 2770.11.

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FIRST CAUSE FOR DISCIPLINE

(Criminal Convictions)

18. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (f), in that Respondent was convicted of crimes which are substantially related to the qualifications, functions, and duties of a registered nurse, as follows:

a. On or about August 7, 2006, in the criminal proceeding titled *People v. Tammie Earlane McInnes* (Super. Ct. Placer County, 2006, Case No. 62-61786), Respondent was convicted of violating Vehicle Code section 23103/23103.5 [reckless driving, alcohol related], a misdemeanor.

The circumstances of the crime are as follows: On or about June 17, 2006, an officer with the Roseville Police Department observed Respondent drive her vehicle in a reckless manner in that she failed to stop for a flashing red light, coasted through a stop sign, failed to completely stop for another red light, made a right turn almost entering the oncoming lanes, and swerved in and out of her lane of travel. The officer initiated a traffic stop and made contact with Respondent. The officer observed that Respondent's eyes were red and watery and that she had an odor of alcohol on her person. Respondent admitted to the officer that she had two beers and had been at the Powerhouse Pub in Folsom. Respondent's BAC was .083% / .082%.

b. On or about August 30, 2010, in the criminal proceeding titled *People v. Tammie E. McInnes* (Super. Ct. Placer County, 2010, Case No. 62-095179), Respondent pled nolo contendere to violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol and/or drugs, a misdemeanor], and admitted that she had a prior alcohol-related conviction within the last ten years, as set forth directly above. Respondent's blood alcohol content ("BAC") was .06% plus medications.

The circumstances of the crime are as follows: On or about September 26, 2009, an officer with the Roseville Police Department received a report that a van had collided with a parked vehicle and that the driver was attempting to leave the scene. After arriving on scene, the officer made contact with Respondent, who was outside of her vehicle (the van). The officer observed that Respondent had an odor of an alcoholic beverage coming from her breath and

1 person and that Respondent's eyelids were droopy, her eyes were bloodshot and watery, her
2 speech was slurred, and she could not stand up without bracing herself against the van.
3 Respondent admitted to the officer that she had consumed a gin and tonic and was on various
4 medications, including Adderall, Valium, and Ambien. The officer had Respondent perform
5 standard field sobriety tests ("SFST's"). Respondent was so impaired that she was unable to
6 complete any of the SFST's. The officer placed Respondent under arrest for violating Vehicle
7 Code section 23152, subdivision (a). Later, a witness reported that he had heard a loud crashing
8 noise and went outside his home to see what happened. The witness saw Respondent in the
9 driver's seat of her van with the vehicle running. Respondent tried to put the van in gear, but
10 could not. The witness put large rocks in front of the van so that Respondent could not drive
11 away, then called the police.

12 c. On or about August 30, 2010, in the criminal proceeding titled *People v.*
13 *Tammie E. McInnes* (Super. Ct. Placer County, 2010, Case No. 62-96527), Respondent was
14 convicted on her plea of nolo contendere to violating Vehicle Code section 14601.5 [driving
15 when driving privilege suspended, revoked, or restricted], a misdemeanor.

16 The circumstances of the crime are as follows: On or about November 30, 2009, a
17 Roseville, California, law enforcement officer observed Respondent make a left turn in violation
18 of a right turn only sign on Harding Boulevard in Roseville, under the authority of Vehicle Code
19 section 21461(a). The officer stopped Respondent, obtained her driver's license, registration, and
20 proof of insurance. A dispatch records check disclosed that Respondent's driver's license had
21 been suspended effective October 26, 2009, pursuant to Vehicle Code sections 133532 and 13382
22 due to Respondent's excessive BAC on September 29, 2009. Respondent was cited for violating
23 Vehicle Code sections 21461 failure to obey right turn only sign] and 14601.2 (a) [driving on a
24 suspended driver's license].

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SECOND CAUSE FOR DISCIPLINE

**(Use of Alcoholic Beverages and/or Controlled Substances to an Extent
or in a Manner Dangerous or Injurious to Oneself and the Public)**

19. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (b), in that on or about June 17, 2006, and September 26, 2009, Respondent used alcoholic beverages and/or controlled substances to an extent or in a manner dangerous or injurious to herself and the public, as set forth in paragraphs 18 (a) and (b), above.

THIRD CAUSE FOR DISCIPLINE

**(Convictions Related to the Consumption of
Alcoholic Beverages and/or Controlled Substances)**

20. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (c), in that on or about August 7, 2006, and August 30, 2010, Respondent was convicted of criminal offenses involving the consumption of alcoholic beverages and/or controlled substances, as set forth in paragraphs 18 (a) and (b) 18, above.

MERCY HOSPICE

FOURTH CAUSE FOR DISCIPLINE

(Diversion, Possession, and Prescription of Controlled Substances)

21. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (a), in that Respondent did the following:

Diversion of Controlled Substances:

a. On or about June 23, 2009, while employed as a registered nurse for Mercy Hospice located in Rancho Cordova, California, Respondent obtained the controlled substance oxycodone by fraud, deceit, misrepresentation, or subterfuge, in violation of Health and Safety Code section 11173, subdivision (a), as follows: On or about June 23, 2009, Respondent called in a prescription for 60 tablets of oxycodone and 30 tablets of Oxycontin to Mercy General

pharmacy for J.B., a hospice patient. Respondent represented to pharmacy staff that she had a verbal order for the medications from Dr. T. That same day, the oxycodone and Oxycontin tablets were "rush delivered" to J.B.'s home. Shortly thereafter, Respondent arrived at J.B.'s home for a home healthcare visit. While J.B. was in the kitchen, Respondent stole or took the oxycodone and Oxycontin tablets. Later, after J.B. reported the theft to Mercy Hospice, Respondent's supervisor, D.J., contacted Dr. T., who denied ordering the medications for J.B.

Possession of Controlled Substances:

b. On or about June 23, 2009, Respondent possessed 60 tablets of oxycodone and 30 tablets of Oxycontin, as set forth in paragraph 21 (a), above, without valid prescriptions from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation of Code section 4060.

Prescription of Controlled Substances:

c. On or about June 23, 2009, Respondent prescribed 60 tablets of oxycodone and 30 tablets of Oxycontin for J.B., a hospice patient, without the knowledge or consent of the patient's physician, as set forth in paragraph 21 (a), above, in violation of Code section 4324(a).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 613323, issued to Tammie McInnes, also known as Tammie Dillord and Tammie Earlane Breedlove;
2. Ordering Tammie McInnes, also known as Tammie Dillord and Tammie Earlane Breedlove, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED:

4/14/11

Louise R. Bailey

LOUISE R. BAILEY, MEd, RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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